

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

RICKY TORRES,

Plaintiff,

v.

CITY OF NEW YORK, et al.,

Defendants.

23 Civ. 1674 (JPC)

ORDER OF SERVICE

JOHN P. CRONAN, United States District Judge:

Plaintiff, who is currently held in the George R. Vierno Center (“GRVC”) on Rikers Island, brings this *pro se* action under 42 U.S.C. § 1983. The Court construes Plaintiff’s complaint as asserting claims under Section 1983, the Religious Land Use and Institutionalized Persons Act, and state law. By order dated February 28, 2023, the Court granted Plaintiff’s request to proceed *in forma pauperis* (“IFP”), that is, without prepayment of fees.<sup>1</sup>

The Court: (1) requests that the identified defendants waive service of summonses; (2) directs the identified defendants to comply with Local Civil Rule 33.2; and (3) directs the Corporation Counsel of the City of New York to provide the Court and Plaintiff the identities and, if necessary, badge numbers of the unidentified defendants.

**DISCUSSION**

**A. Identified Defendants**

The Court directs the Clerk of Court to notify the New York City Department of Correction (“DOC”) and the New York City Law Department of this Order. The Court requests that the following identified defendants waive service of summonses: (1) the City of New York; (2) DOC

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<sup>1</sup> Prisoners are not exempt from paying the full filing fee, even when they have been granted permission to proceed IFP. *See* 28 U.S.C. § 1915(b)(1).

Commissioner Louis Molina; (3) New York City Mayor Eric Adams; (4) GRVC Warden Cort; (5) Correction Captain Rivera (Badge No. 1230); (6) Correction Officer McNiel (or McNeil, assigned to the West Facility or GRVC between January 3, 2023, and January 22, 2023); (7) West Facility or North Infirmary Command Deputy Warden Miller; (8) Correction Captain Mathis (Badge No. 82); (9) DOC Assistant Commissioner Thomas Griffin; (10) West Facility or GRVC Warden Jean Renee; (11) West Facility or GRVC Deputy Warden Tiffany Morales; (12) West Facility or GRVC Deputy Warden Lisa Barnaby; (13) West Facility or GRVC Deputy Warden Jonell Shivraj; (14) West Facility or GRVC Deputy Warden Joanne Matos; (15) Correction Officer Preston Ritter (assigned to the West Facility or GRVC between January 3, 2023, and January 22, 2023); (16) Correction Intelligence Bureau (“CIB”) Captain Fluka; (17) CIB Assistant Deputy Warden Gwinnie; (18) Correction Officer Farrinas (assigned to the West Facility or GRVC between January 3, 2023, and January 22, 2023); (19) Correction Officer Orellana (assigned to DOC headquarters); (20) Correction Officer Vu (Badge No. 15824); (21) Correction Officer Pinkney (Badge No. 524); (22) Correction Officer Troche (Badge No. 532); and (23) Correction Officer Marden (Badge No. 13770).

**B. Local Civil Rule 33.2**

Local Civil Rule 33.2, which requires defendants in certain types of prisoner cases to respond to specific, court-ordered discovery requests, applies to this action. Those discovery requests are available on the court’s website under “Forms” and are titled [“Plaintiff’s Local Civil Rule 33.2 Interrogatories and Requests for Production of Documents.”](#) Within 120 days of the

date of this Order, the identified defendants must serve responses to those standard discovery requests. In their responses, the identified defendants must quote each request verbatim.<sup>2</sup>

### **C. Unidentified Defendants**

Under *Valentin v. Dinkins*, a *pro se* litigant is entitled to assistance from the district court in identifying unidentified defendants. 121 F.3d 72, 76 (2d Cir. 1997). In the Complaint, Plaintiff supplies sufficient information to permit the DOC to identify the unidentified defendants. They include: (1) “SRT Officers 77, 65, [and] 135 Shield 8957,” who appear to be DOC Special Response Team (“SRT”) correction officers, including one assigned the badge number 8957, who interacted with Plaintiff in the West Facility and/or the GRVC between January 3, 2023, and January 22, 2023; (2) SRT Officers “74, 75, 88, 108, . . . 102[,] [and] 120,” who appear to be DOC SRT correction officers who interacted with Plaintiff in the West Facility and/or the GRVC between January 3, 2023, and January 22, 2023; and (3) “Assistant Commissioner John Doe present with CIB on Jan. 3, 2023, at West Facility search of Sprung Six,” who appears to be a DOC Assistant Commissioner who was present with DOC CIB officers in the West Facility on January 3, 2023, during a search of the “Sprung Six” unit of that facility. It is therefore ordered that the Corporation Counsel of the City of New York, who is the attorney for and agent of the DOC, must ascertain the identity and, if necessary, badge number of each of the unidentified defendants whom Plaintiff seeks to sue here and the address where each of those defendants may be served.<sup>3</sup> The Corporation

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<sup>2</sup> If Plaintiff would like copies of those discovery requests before receiving the responses and does not have access to the website, Plaintiff may request them from the court’s Pro Se Intake Unit.

<sup>3</sup> If any unidentified defendant is a current or former DOC employee or official, the Corporation Counsel should note in the response to this Order that an electronic request for a waiver of service can be made under the e-service agreement for cases involving DOC defendants, rather than personal service at a DOC facility. If an unidentified defendant is not a current or

Counsel must provide this information to Plaintiff and the Court within 60 days of the date of this Order.

Within 30 days of receiving this information, Plaintiff must file an amended complaint naming the newly identified defendants. The amended complaint will replace, not supplement, the original complaint. An amended complaint form that Plaintiff should complete is attached to this Order. Once Plaintiff has filed an amended complaint, the Court will screen the amended complaint and, if necessary, issue an order requesting that the newly identified defendants waive service of summonses, and directing them to comply with Local Civil Rule 33.2.

**D. New York Legal Assistance Group**

Plaintiff may consult the legal clinic opened in this judicial district to assist people who are parties in civil cases, but who do not have lawyers. The clinic is operated by a private organization called the New York Legal Assistance Group (“NYLAG”); it is not part of, or operated by, the court (and, among other things, therefore, it cannot accept filings on behalf of the court, which must still be filed by a *pro se* party in the court’s Pro Se Intake Unit).

To receive limited-scope assistance from the clinic, Plaintiff may mail a signed retainer and intake form to the NYLAG Pro Se Clinic at 40 Foley Square, LL22, New York, New York 10007. Once the paperwork is received, the clinic will coordinate contact with the litigant. Once received, it may take up to two weeks for the clinic to contact the litigant. Copies of the clinic’s flyer, retainer, and intake form are attached to this Order.

**CONCLUSION**

The Court directs the Clerk of Court to mail an information package to Plaintiff.

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former DOC employee or official, but otherwise works or worked at a DOC facility, the Corporation Counsel must provide a residential address where that individual may be served.

The Court also directs the Clerk of Court to notify the New York City Department of Correction (“DOC”) and the New York City Law Department of this Order. The Court requests that the following identified defendants waive service of summonses: (1) the City of New York; (2) DOC Commissioner Louis Molina; (3) New York City Mayor Eric Adams; (4) GRVC Warden Cort; (5) Correction Captain Rivera (Badge No. 1230); (6) Correction Officer McNiel (or McNeil, assigned to the West Facility or GRVC between January 3, 2023, and January 22, 2023); (7) West Facility or North Infirmary Command Deputy Warden Miller; (8) Correction Captain Mathis (Badge No. 82); (9) DOC Assistant Commissioner Thomas Griffin; (10) West Facility or GRVC Warden Jean Renee; (11) West Facility or GRVC Deputy Warden Tiffany Morales; (12) West Facility or GRVC Deputy Warden Lisa Barnaby; (13) West Facility or GRVC Deputy Warden Jonell Shivraj; (14) West Facility or GRVC Deputy Warden Joanne Matos; (15) Correction Officer Preston Ritter (assigned to the West Facility or GRVC between January 3, 2023, and January 22, 2023); (16) Correction Intelligence Bureau (“CIB”) Captain Fluka; (17) CIB Assistant Deputy Warden Gwinnie; (18) Correction Officer Farrinas (assigned to the West Facility or GRVC between January 3, 2023, and January 22, 2023); (19) Correction Officer Orellana (assigned to DOC headquarters); (20) Correction Officer Vu (Badge No. 15824); (21) Correction Officer Pinkney (Badge No. 524); (22) Correction Officer Troche (Badge No. 532); and (23) Correction Officer Marden (Badge No. 13770).

The Court further directs the Clerk of Court to mail a copy of this Order and the Complaint to the Corporation Counsel of the City of New York, at 100 Church Street, New York, New York 10007.

An amended complaint form is attached to this Order.

A flyer, retainer, and intake form from NYLAG are also attached to this Order.

SO ORDERED.

Dated: April 3, 2023  
New York, New York

A handwritten signature in black ink, appearing to read "John P. Cronan", is written over a horizontal line.

JOHN P. CRONAN  
United States District Judge